IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES OF AMERICA	§	
	§	
	§	**CASE NO. 1:14-CR-00111-TH**
v.	§	
	§	
	§	
SCOTT GORDON SIMMONS	§	
	§	

ORDER ADOPTING THE MAGISTRATE JUDGE'S
<u>REPORT AND RECOMMENDATION</u>

The court referred a petition alleging violations of supervised release conditions to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

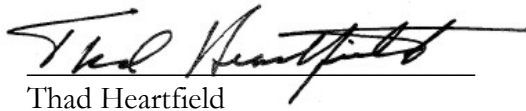At the close of the revocation hearing, U.S. Magistrate Judge Zack Hawthorn recommended:

1. that the court find that the Defendant violated the fourth allegation in the petition that he failed to follow a special condition of release;

2. that the Defendant's supervised release should be revoked pursuant to 18 U.S.C. § 3583; and

3. the Defendant should be sentenced to a term of 8 months' imprisonment which shall include 113 days' unserved community confinement, with 5 years of supervised release to follow. His terms of imprisonment should be served at the Federal Correctional Institute in Beaumont, Texas, if the Bureau of Prisons can accommodate such request. The court adopts the magistrate judge's findings for the imposition of the special conditions of supervised release.

Neither party has filed objections to Judge Hawthorn's Report and Recommendation. Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED** and Scott Gordon Simmons's supervised release is **REVOKED**.

Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

SIGNED this the 22 day of **June, 2017.**

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Thad Heartfield
United States District Judge